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PHOENIX, SUNDAY MORNING, AUGUST 2, 1891.

NO. 66.

SHOT IN SELF-DEFENSE.

So Counselor Humphries Claims in Court.

The Defense Aply Present Their Case.

Evidence for Humphries Taken at Length—Arguments on Both Sides Clear and Concise.

It was fully 8:45 o'clock when Justice Bernard's court was called to order yesterday morning.

The defense proceeded with the case, ROBERT M. HUDSON was on Washington street on the day of the shooting. He knows Minor and Humphries. He saw both the morning of the shooting. He first saw Minor looking out of the door of Phillips & Leggett's store. Witness was passing. He saw Mr. Humphries going toward Vail in the street. Witness was going fishing. He expected trouble and heard some one say: "You had—of a—". Witness then said, now we will have it and turned. He saw Minor shoot immediately after cursing. Humphries shot almost immediately after Minor. Minor's pistol snapped and he went behind the telephone post. Witness said that his attention was called to Humphries as Minor was standing behind the telephone post and could not be shot. Minor stood behind the telephone pole until arrested. Blankenship arrested him. He was about seventy-five feet from Leggett's saloon.

By prosecution—Witness heard Minor swearing. Any one who was ten feet from Minor could hear him. Witness was about twelve feet from Minor when he shot. Witness was as near one as the other. Witness could not say how many shots were fired. Humphries was standing on the middle of the street. He

EXPECTED A ROW

and that is the way he was looking. Re-direct—He saw Minor that morning. When he looked out of the door he did not seem to be excited. He may have been looking for one of his wagons or may have been looking for Humphries.

Mr. Street—Did you hear any threats the day before against Humphries? Mr. Cox—I object. Judge Street and Mr. Israel argued that this testimony was inadmissible to show in what condition the defendant's mind was.

Mr. Cox argued that both were guilty of a violation of the law, and it was not for them to take the law into their hands. They have a remedy. The Court—I do not think it will be right to go back and take hearsay evidence.

Witness did not hear any talk by Minor as to what he would do with Humphries. Mr. Street—Did you hear any body who seemed to be associated with Minor, talk as to any intentions Minor had against Humphries?

Mr. Cox—I object. He styled the question as ridiculous. Court ruled in favor of the prosecution.

ED COFFEY

was in Phillips & Leggett's store on the morning of the 24th of July. He saw Minor in the alley next to Phillips & Leggett's store. He saw him shooting into the street. Did not know who he was shooting at. The second shot fired came through Phillips & Leggett's. Once Minor stepped out to the door. He did not notice what he was doing. Minor after the first shot stood behind a telephone post. Witness was in the store next to the candy stand. Mr. Ming was standing next to the soda fountain and nearer the front door than witness.

C. J. DYER.

is slightly acquainted with Humphries. Mr. Israel—Did you see Mr. Minor in conversation with Mr. Butler three or four days before the shooting? Mr. Cox—I object. The court thought the question ought not to be admitted.

Mr. Israel spoke for a half an hour arguing that the question was inadmissible. Mr. Street said: We have several witnesses by whom we propose to prove that Mr. Minor made threats against Mr. Humphries; that would be the same thing as showing he talked against him. They were both acts of Minor. The court—With your explanation I see the point differently and will

ADMIT THE TESTIMONY.

Witness heard a conversation of Minor but Mr. Butler had nothing to do with it. The conversation was the morning after Dr. Helm got bad. Witness asked him why he was so active against Humphries, as they were both from the south. Minor said he had nothing against him but spoke against Humphries, saying he was a good Democrat in the south but turned Republican.

M. A. MILES

heard Minor say he would be or ought to be run out of town. He supposed he had reference to Humphries as he had been talking about him. CITY MARSHAL WILLIAM BLANKENSHIP knows Minor and Humphries. He saw part of the difficulty between the two. He met Humphries and Israel near the city hall plaza. He had gotten about half way across the plaza when he heard the shooting. He ran back. He heard Minor. When he first saw Minor he was standing behind the telephone post trying to turn the cylinder of his gun. Witness then arrested Humphries as Minor's gun would not work. As Moffatt came up to Humphries witness turned his attention to Minor. When witness heard the shooting he supposed Humphries was in trouble. He expected trouble on account of the rumors of the night before. He gave Humphries permission to carry a gun.

BRUCE PERLEY

the next witness, knows both parties. He saw Minor in conversation with Mr.

Vail opposite W. T. Smith's store on the morning of the shooting. He passed witness' and witness' attention was called to the fact of a bulge on the coat of Minor and he inferred he was armed. For the reason of the article in the Republican that morning he expected trouble.

GEORGE BEARDSLEY

was called. He heard a conversation with Minor in St. Clare & Pratt's store. Minor said Humphries ought to be run out of town.

Guy N. Armstrong was sworn. He testified that Minor had made some threats against Humphries.

Court then took a recess for ten minutes to allow counsel for defense to have a talk with defendant.

AFTERNOON SESSION.

When court reassembled, the defense said that there were no questions to be asked, but that Mr. Humphries wanted to make a statement in his own behalf, as his privilege accorded him under the law.

"My name is Abraham S. Humphries, age 25, residence Phoenix, county of Maricopa, Territory of Arizona. Am actively engaged in the practice of the law as attorney and counselor. Have resided in Phoenix about one year; and am the defendant in this case. Upon Friday evening about 6 o'clock, rumors were freely circulated on the street that my connection with the case of Mrs. Alice White, as Dr. Helm's attorney, was largely disapproved by the public, and that a body of armed men would visit me that night for the purpose of extorting from me confidential communications which had been made to me by my client, or of flogging me, or of tarring and feathering me and driving me from the town, just which, I could not learn definitely. These rumors were communicated to me by a dozen different people. The names of all the parties communicating them to me I do not now recall. Mr. W. L. Vail came first and made the communication to me in the presence of my friend, George C. Israel.

About 8 o'clock, I went to the saloon of Butler & Kelley, and while there, the rumors were again repeated.

About 9 o'clock, Charley Williams, porter at the Mills House, called and told me that a mob would be down to lynch me that night, and everybody at the hotel was thoroughly aroused and solicited for my safety, and that Adjutant General Gill wished to see me at once. A few minutes later, Alex Lacey added his testimony to that of the other witnesses who had talked to me, and advised me that a mob would be down to lynch me that night, and everybody at the hotel was thoroughly aroused and solicited for my safety, and that Adjutant General Gill wished to see me at once.

A few minutes later, Alex Lacey added his testimony to that of the other witnesses who had talked to me, and advised me that a mob would be down to lynch me that night, and everybody at the hotel was thoroughly aroused and solicited for my safety, and that Adjutant General Gill wished to see me at once.

Then I received notice from several other parties, whose names I do not now recall, to the same effect. I was told that a mob would be down to lynch me that night, and everybody at the hotel was thoroughly aroused and solicited for my safety, and that Adjutant General Gill wished to see me at once.

After remaining in the saloon about an hour, as requested by Marshal Blankenship, I retired to the Mills House where I have rooms. When I appeared on the back porch of the Mills House, making ready to go to my room, I heard some one in the alley south of the Mills House saying in a suppressed tone of voice, "there he is now." I stepped back into my room and waited a few minutes until all again became quiet, and then sought my cot. Just as I was about to doze off, I heard some one slipping down the porch, and I saw a head and saw a man standing midway between the front and rear entrances of the Mills House and my cot. I sprang from my cot, pistol in hand, the party retreating in double-quick time as I did so, and when I got to the door, he was just turning the alley between the Mills House and Grant's Livery Stable, and as he turned, I saw him. My nervous condition was such that it was impossible for me to sleep any more that night, so I dressed myself, and in company with my friend, Mr. Israel, came down town and remained until 4 o'clock in the morning, and then returned to the Mills House. There at the breakfast table at the hotel I heard nothing else of the kind, and I saw no more of the mob, and these reports and statements, added to those which had already reached my ears, augmented the nervous strain and galvanized my apprehensions.

Having received permission from Marshal Blankenship the night before to arm myself, I went down town with a .44-caliber frontier model Colt's pistol in my waist with my vest buttoned over it. When I reached the hardware store of D. H. Butts, W. L. Vail was coming diagonally across the street from the Garden City restaurant and hailed me. My friend, Mr. Israel, continued his walk to the office, and I started to follow him. He pointed to the south side of the street car track. He then informed me that Mr. Minor was looking for me, and I replied that I did not want any "trouble," so come to my office and let us talk about this matter. Of course when he said that, Minor was looking for me, I did what any prudent person would do, and glanced up and down the street. And, glancing to the west, I saw Mr. Minor standing in the door of the store of Phillips & Leggett. It seems that we caught each other's eye about the same time, for he immediately started toward me with pistol in hand and said: "You — of a —". As so quickly as it was possible for me to do so, I drew my pistol and fired. It can help the case of the worst enemy I ever had on God's green earth. I am perfectly willing to say that at this time it is impossible for me to say who did fire the first shot, though I should not have fired at all had not Mr. Minor advanced on me in a threatening manner with a drawn pistol.

I came to Phoenix on August 1, 1890. Soon thereafter I met Mr. Minor, and a casual acquaintance ripened into a tolerably generous friendship. Suddenly, without any cause or provocation, so far as I know, he ceased to speak to me, and from that day to this has been my bitter and unrelenting foe. I have never made any unkind remark, unfair or untruthful statement about Mr. Minor, nor have I said aught against or against him in unkindness. I wish to say, further, that while I was friendly with Mr. Minor, he frequently stated to me that he had been a deputy sheriff in New Mexico, and had killed four or five men; had actually begged people to take his own life. I believed these reports, not knowing Mr. Minor, and the tendency was when this trouble came about, to magnify in my mind the dangerous and

reckless character of the man with whom I was about to contend for my own life.

After Mr. Humphries had finished his statement,

DISTRICT ATTORNEY COX

opened the argument for the defense. He said the testimony went to show that the first shot came from the street. Although none of the witnesses could swear to who fired the first shot, it seemed to be the general opinion of the witnesses that Humphries did something to cause the trouble. He contended that no man could create the cause for shooting and claim self defense. There was no cause for the shooting, no threats having been made against Humphries that would justify the sticking of a straw in his opponent's eye. He asked that Humphries be put under bond.

JUDGE STREET

Followed with a short argument in which he defended the action of Humphries, claiming that he had no choice but to defend himself. The judge left the major part of the argument in the hands of Mr. Israel, who spoke in substance as follows:

GEORGE C. ISRAEL'S ARGUMENT.

"Mr. Israel's argument was quite lengthy, occupying some two hours in its delivery, and as he is a very rapid talker, it was impossible to report him in exact language. He began his argument by asking the court to disabuse the mind of all feeling or prejudice in the case at bar, and predicate its judgment alone upon the evidence before it and the law applicable thereto as it found it. After commenting at some length upon the evidence he said: "We proceed at this time, to show to the court that from all the facts that have been here presented, either by the testimony of the prosecution or by the defense under the law that must govern this court in the decision of this case, that the defendant must be discharged and acquitted. I now call the court's particular attention to a case which has aptly been called by my senior 'the father of the law of self defense.' This case was decided in Boston, Mass., in 1886, and before a bench of judges so eminent as Justices, that their names live to-day foremost in the history of the Independence of America, they were Parsons, Sedgwick and Parker—men whose names and writings are familiar to every lawyer and law student in the land. This case is known in the brief as the Selfridge case. The facts in this case are fully reported, and I invite your honorable attention to them that you may see how closely they are akin to the facts in the case at bar." Mr. Israel then read the case, commenting upon it at times and applying the law thereto and down to the testimony before the court.

With much feeling and eloquence Mr. Israel then detailed the occurrences of the past ten days, in so far as they affected Mr. Humphries, and directed the court's attention to the agency of mind that defendant must have endured during that time by reason of the rumors being circulated with the unhappy affair, while his lips were sealed by his oath as an attorney to protect the secret communications of his client, and he a man to whom sacred disgrace was worse than real death. Respects were then paid by the attorney to those individuals who had made threats of lynching—and in that connection he read the case of Bolanos against the State, from Kentucky—to show that such reports and rumors would justify a hundred persons in killing the leader of such a lawless body without waiting for an attack. Mr. Israel then returned to the Selfridge case showing the Court how the law of self defense in direct terms all the propositions that had been advanced by the District Attorney, and after reading several law authorities, said in part:

"I do not believe, Your Honor, that you will allow opinions to sway your judgment, no matter how strongly factional feeling may be excited by the facts of the case. I do not believe the time has come when it shall be heard within its sacred precincts, I believe this defendant's liberty is in honest hands backed by a righteous heart and an upright mind, and that only such methods as are within the sanctity of your oath of office will come to your judgment of him, feeling this from the bottom of my heart, I safely lay my burden down, feel my labors ended with the firm and abiding conviction that as Your Honor rings down the curtain on the last act of this trial it will be with the words, 'wherefore by reason of the law and the premises the defendant shall go hence without day.'"

Mr. Israel's argument was a clear presentation of the law, forcible and at times eloquent and we regret that lack of space prevents a verbatim report of it. District Attorney Cox followed with his closing argument, making some points. He spoke in a short while, but made a good speech.

The arguments of the attorneys in the Humphries case yesterday were especially fine, and entirely free from any objectionable personalities. Judge Webster Street fully sustained his reputation as one of the ablest advocates of the territorial bar, while the argument of Mr. George C. Israel, who was associated with Judge Street for the defense, was clear, forcible, convincing and ornate. District Attorney Cox's effort did not in any wise detract from his reputation as a prosecuting officer.

Court then adjourned until Tuesday morning at 10 o'clock, when the decision will be rendered.

A BAD WRECK.

Another Passenger Train in Ohio Is Wrecked—Several Injured. BELLAIRE, Aug. 1.—Another horror has been added to the late list of railroad accidents in Ohio. This morning a passenger train on the Bellaire, Zanesville & Cincinnati narrow gauge road, left the track, three miles south of Bellaire, two cars being overturned and dragged some distance. Seventy passengers were on the train and the two cars turned over. Assistance was soon at hand. It was found that fourteen people had been injured, four seriously and one fatally. The train was running thirty-five miles an hour, and as it reached a curve the cars were noticed to sway violently and unheeding the cries for the passengers to keep their seats, a rush was made for the doors. Many frightened passengers had reached the platform when the cars jumped the rails, and when they turned over in another moment these were hurled in the ditch.

The seriously injured are as follows: John Morris, baggage-master, will die; Charles McElroy, John Irwin, G. P. Wilcox. In addition to these there were many badly bruised but able to take care of themselves, and this afternoon they went to their destination.

ON THE DIAMOND.

Games Played in the East and West Yesterday.

PITTSBURGH, Aug. 1.—Errors by the visitors gave the game to the home club. Score: Pittsburgh 7, Cleveland 3. At New York—Brooklyn 9, New York 6.

At St. Louis—St. Louis 3, Boston 7. At Philadelphia—Athletics 3, Louisville 2.

At Columbus—Columbus 7, Baltimore 2.

At Cincinnati—Cincinnati 6, Washington 2.

At Cincinnati—Cincinnati 4, Chicago 7.

At Philadelphia—Philadelphia 9, Boston 1.

At Minneapolis—Minneapolis 6, Denver 7.

At St. Paul—St. Paul 3, St. Paul 7.

At Milwaukee—Milwaukee 3, Lincoln 1.

At Duluth—Duluth 4, Omaha 10.

BASEBALL PERCENTAGES

CHICAGO, Aug. 1.—The following is the standing of the National League and American Association clubs, including today's games:

NATIONAL LEAGUE. Percent. New York 366, Chicago 366, Boston 366, St. Louis 366, Philadelphia 366, Cincinnati 366, Pittsburgh 366, Cleveland 366, Milwaukee 366, Louisville 366, Washington 366.

AMERICAN ASSOCIATION. Percent. St. Paul 366, St. Paul 366, St. Paul 366, St. Paul 366, St. Paul 366, St. Paul 366, St. Paul 366, St. Paul 366, St. Paul 366, St. Paul 366, St. Paul 366.

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RECIPROcity.

The Treaty With Spanish Provinces

And This Government Made Public.

A List of What Is Admitted Free and What Not—Interesting News.

Associated Press Dispatches.]

WASHINGTON, Aug. 1.—The Spanish reciprocity treaty and diplomatic correspondence pertaining thereto, was made public today, the president issuing a proclamation announcing the full text of the treaty. It was made pursuant to the last tariff act with a view to securing reciprocal trade, by reason of exemption from duty of sugar, molasses, coffee and hides upon their importation into the United States. Under the terms of the treaty, the following articles manufactured in the United States, and included in what is termed a transit schedule, will be admitted into Cuba and Porto Rico: Meats, salt and canned, jerked beef excepted, lard, tallow, fresh, dried and preserved fruits, except raisins; vegetables, rosin, turpentine, wood of all kinds; wagons, sewing machines, raw petroleum, coal and ice.

The following articles will be admitted on payment of the duties stated: Corn 25 cents per one hundred kilograms, corn meal 25 cents, wheat flour 25 cents, refined petroleum and boots and shoes, he admitted at a reduction of 25 per cent. From and after July 1, 1892, as a definite arrangement, the following articles will be admitted free: Marble, Jasper, alabaster, other stones, including soapstone, mineral waters, ice, coal, pitch, tar, rosin, turpentine, asphalt, raw petroleum, bricks and tiles, gold and silver coin, pig iron, iron pipes, beams, rafters, wrought iron, steel wire nails, screws, nuts and pipes, raw cotton, cotton seed oil and meal cake; tallow and other animal grease, books and pamphlets, woods of all kinds, manures, agricultural implements and machinery, materials and articles for public works, such as railroads, tramways and roads; salted and canned meats, jerked beef excepted, butter, lard, cheese, fish of all kinds and canned oysters and salmon, cats, barley, rye, buckwheat and flour of these grains; starch, maize and other alimentary products of corn, except corn meal; fruits except raisins, vegetables, hay, straw and bran; trees, plants, shrubs and garden seeds; tan bark.

The following are admitted at a reduction of 50 per cent: Marble, Jasper, alabaster of all kinds. Glass and crystal ware; glass and window glass of all kinds; quicksilver, etc., clay in tiles, covered tiles, roof tiles, glazed tiles, and pipes; stoneware, fine earthen ware and porcelain, iron and steel, axles, rivets and iron wrought and steel in fine manufactures or those polished with a coating of porcelain or part of other metals; needles, pins, knives, razors, scissors, tin plate, in sheets or manufactured; all other common metals and alloys of the same; furniture of all kinds of wood or metal; brushes, vegetable, hair, broom, corn, willow, straw and other similar articles; pastes for the manufacture of porcelain or part of other metals; soap, rice flour, bread and alimentary articles; sausages, stuffed meat, mustard, sauces, pickles, jams, and jellies; rubber, gutta percha, and manufactures thereof; rice, hulled or unhulled.

The following will be admitted at a reduction of duty of 25 per cent: Petroleum, refined and benzine; manufactured cotton, spun or twisted, and cotton, good of all kinds, woven or knit, and same mixed with other vegetable or animal fibres, in which cotton is equal or greater component part, and clothing exclusive of cotton; rope, cordage, and twine of all kinds; soap, blacking and varnishes; soap, pine blacking and drugs in tallow and tallow manufacture in candle; paper for printing for decorating rooms, of wood or straw for wrapping and packing, bags and boxes of the same and paper and pasteboard; leather and skins, dressed, varnished or prepared or belting, including sole leather or belting, and other similar articles in whole or part of leather; harness and saddlery; watches and clocks; carriages.

It is understood that four which, on its exportation from the United States, has been favored with drawbacks, shall not be subject to the foregoing reduction of duty, and provisional arrangement as set forth in the transitory schedule, shall come to an end July 1, 1892, and be substituted by definitive, the arrangement outlined above. Correspondence precept promulgation of the treaty was begun by Secretary Blaine, who, January 3 last, transmitted a copy of the tariff law to Señor Guzman, Spanish minister, requesting that the attention of his Government be called to it, with a view to adjustment of commercial relations between the two countries on a permanent basis of reciprocity.

Further correspondence, the Spanish Government submits to the consideration of the United States Government, of a series of injuries occasioned to the tobacco production of Cuba and Porto Rico, in consequence of the increase of

duties and cherishes hope that the President will recommend to Congress a reduction of duty on tobacco of said islands. The correspondence closed with a letter from Secretary Blaine under date of June 16, last, in which he states the suggestion will have the careful consideration of the President, and that it shall be the subject of a separate vote.

ARRIVED SAFELY.

Great Interest Taken in the News of the Maipo's Voyage.

SAN FRANCISCO, Aug. 1.—A San Diego dispatch giving the opinion of Capt. Maunzen, of the steamer Itata, to the effect that the Chilean ship Maipo had arrived at Iquique with a large quantity of arms and ammunition, instead of being left at sea, as at first stated, was read with great interest by mercantile houses in the city in the Chilean trade. The Maipo is supposed to have secured her cargo at one of the South Sea islands and that the guns and munitions of war were originally shipped on a German ship which afterward transferred her cargo to the Maipo. The vessel expressed here for the theory that the Maipo arrived at Iquique in safety. Previous to the dispatches the Maipo carried equipments for 25,000 infantry and cavalry.

Laying for the Cruiser.

LISBON, Aug. 1.—The Journal del Commercio today states it is reported there is a Congressional Cruiser with torpedoes off the coast of Portugal, awaiting an opportunity to attack the President Errazuriz.

Wait for the General Appraisers.

WASHINGTON, Aug. 1.—The Secretary of the Treasury informed the Secretary of State that the question whether the wreckage of the Trenton and Vandalia, recently imported through San Francisco, was dutiable, is pending before the Board of Appraisers at New York, upon whom the decision of such questions now develops by law.

TENNY IS BEATEN.

LONGSTREET WINS THE RACE IN A WALK.

Great Excitement at Morris Park Where the Race Was Run—Thousands of Dollars Change Hands.

Associated Press Dispatches.]

NEW YORK, Aug. 1.—The much-talked-of and long-delayed match race between Puleifer's horse, Tenny, and Dwyer's horse Longstreet, was run at Morris Park today and resulted in an easy victory for Longstreet by six lengths. Fully 25,000 people were present, many of whom had journeyed from all parts of the Union to see it run and satisfy themselves as to the superior animal of the two. While as a race, it was hardly the contest many had hoped to see, nevertheless it was a good contest and proved conclusively that the great away back is no match for the Dwyer candidate. In betting Tenny opened 9 to 10, while Longstreet could be backed at even money. Public money then began to go on Tenny, forcing his price down to 3 to 5, while Longstreet kept steadily receding until just before they went to the post when 6 to 5 could be had against him. Tenny, with Pike Barnes in the saddle, was the first to show. Tenny looked in prime condition. Longstreet soon followed, with Hamilton up, but showed a disposition to shirk his work, which caused his admirers considerable uneasiness. Stones, clouds of dirt, shouts and waving of arms were all used in an endeavor to make him break, but once in motion his long, sweeping stride carried him along in a way that meant volumes to those whose hopes and dollars he was carrying. The race with the son of Longfellow a half length in front. He soon made it a length, and at the end of the quarter it was two, in fact, every stride seemed to bring him further away. Seeing this, Barnes began to urge Tenny, and just as he reached the half he seemed to gain on the leader, and as he did his backers grew wild with delight. Short lived was their glee, however, for Longstreet soon began to draw away again, and at the end of the mile it was seen he would win. Whip and spur as Barnes might, Tenny could not gain an inch for the rest of the journey, and a dozen jumps from the leader he began to pull